



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

STRATEGIC ACQUISITIONS,)	NO. CV 14-457-UA
)	(DUTYx)
Plaintiff,)	
)	ORDER SUMMARILY REMANDING
v.)	
)	IMPROPERLY-REMOVED ACTION
DEBORAH LAMB,)	
AND DOES 1 THROUGH 10,)	
)	
Defendants.)	

The Court summarily remands this unlawful detainer action to state court summarily because defendant DEBORAH LAMB ("Defendant") removed it improperly.

On January 21, 2014, Defendant, having been sued in what appears to be a routine unlawful detainer action in California state court, lodged a Notice Of Removal of that action to this Court and also presented an application to proceed in forma pauperis. The Court has denied the latter application under separate cover because the action was not properly removed. To prevent the action from remaining in jurisdictional limbo, the

1 Court issues this Order to remand the action to state court.

2
3 Under 28 U.S.C. § 1331, district courts "have original
4 jurisdiction of all civil actions arising under the Constitution,
5 laws, or treaties of the United States." Federal jurisdiction is
6 presumed absent unless defendant, as the party seeking to invoke
7 the court's jurisdiction, shows that plaintiff has either alleged
8 a federal cause of action, American Well Works Co. v. Layne &
9 Bowler Co., 241 U.S. 257, 260 (1916), a state cause of action that
10 turns on a substantial dispositive issue of federal law, Franchise
11 Tax Board v. Construction Laborers Vacation Trust, 463 U.S. 1, 9
12 (1983), or a state cause of action that Congress has transformed
13 into an inherently federal cause of action by completely preempting
14 the field of its subject matter. Metropolitan Life Ins. Co. V.
15 Taylor, 481 U.S. 58, 65 (1987). Under 28 U.S.C. § 1332(a),
16 "district courts also have original jurisdiction of all civil
17 actions where the matter in controversy exceeds the sum or value of
18 \$75,000, exclusive of interest and costs, and is between . . .
19 citizens of different states." See also Matheson v. Progressive
20 Specialty Ins. Co., 319 F.3d 1089, 1090 (9th Cir. 2003).

21
22 Defendant's notice of removal asserts that "this court has
23 original Federal question jurisdiction over this action pursuant to
24 28 U.S.C. § 1331" which provides that "district courts shall have
25 original jurisdiction of all civil actions arising under the
26 constitution, laws, or treaties of the United States." Defendant
27

1 claims that the state action arises under the Fourteenth Amendment
2 of the Constitution of the United States." (Notice at 2).

3
4 However, there is no federal question apparent on the
5 complaint, which alleges only an unlawful detainer cause of action.
6 See Wells Fargo Bank v. Lapeen, No. C 11-01932 LB, 2011 WL 2194117,
7 *3 (N.D. Cal. June 6, 2011) ("an unlawful detainer action, on its
8 face, does not arise under federal law but is purely a creature of
9 California law," citing Wescom Credit Union v. Dudley, No. CV 10-
10 8203-GAF (SSx), 2010 WL4916578, *2 (C.D. Cal. Nov. 22, 2010)
11 (remanding an action to state court for lack of subject matter
12 jurisdiction where plaintiff's complaint contained only an unlawful
13 detainer claim). The complaint does not raise any federal legal
14 question. Nor does it appear that federal law is a necessary
15 element of any of plaintiff's claims. Moreover, defendant does not
16 allege that complete diversity of citizenship exists between the
17 parties and does not address, much less satisfy, the requirement
18 that the amount in controversy exceed \$75,000. See 28 U.S.C. §
19 1332(a). On the contrary, the unlawful-detainer complaint recites
20 that the amount in controversy does not exceed \$10,000.

21
22 Accordingly, the Court lacks subject matter jurisdiction over
23 the instant action and removal of this action is improper. See 28
24 U.S.C. § 1441(a); Exxon Mobil Corp v. Allapattah Svcs., Inc., 545
25 U.S. 546, 563 (2005).

1 Defendant is further notified and warned that any subsequent
2 attempts to remove the underlying state unlawful detainer action to
3 this Court will be improper and will constitute vexatious conduct
4 that the Court will address by way of punitive remedial measures,
5 which may include having defendant designated as a vexatious
6 litigant and barred from commencing any further removal actions
7 with respect to the underlying state unlawful detainer action.

8
9 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to
10 the Superior Court of California, County Of Los Angeles, 111 N.
11 Hill Street, Los Angeles, California 90012, for lack of subject
12 matter jurisdiction pursuant to 28 U.S.C. § 1447(c); (2) that the
13 Clerk send a certified copy of this Order to the state court; and
14 (3) that the Clerk serve copies of this Order on the parties.

15
16 IT IS SO ORDERED.

17
18 DATED: 1/30/14

19
20 
21 _____
22 GEORGE H. KING
23 CHIEF UNITED STATES DISTRICT JUDGE
24
25
26
27
28